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8	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
9	NORTHERNOIS	TRICT OF CALIFORNIA	
10	DOLLG EGYGTEIN	G' '1 A d' NI 2 17 2016	
11	DOUG ECKSTEIN	Civil Action No. 3:17-cv-2916	
12	Plaintiff,		
13	V.	COMPLAINT FOR VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT,	
14	v.	TELEPHONE CONSUMER PROTECTION	
15	CREDIT CONTROL SERVICES,	ACT AND ROSENTHAL FAIR DEBT	
16	INC. d/b/a CREDIT COLLECTION SERVICES	COLLECTION PRACTICES ACT	
17	COLLECTION SERVICES	DEMAND FOR JURY TRIAL	
18	Defendant.		
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	Dave none	I.	
20	PRELIMINARY STATEMENT		
21	1. This is an action for damages brought by an individual consumer for		
22	Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692		
23	et seq. (hereafter the "FDCPA"),	the Telephone Consumer Protection Act	
24	("TCPA"), 47 U.S.C. §§ 227, et so	eq. and the Rosenthal Fair Debt Collection	
25	Practices Act Cal. Civ. Code § 1788 et seq. ("RFDCPA"), and other common lav		
26	claims. These laws prohibit debt collectors from engaging in abusive, deceptive		
27	and unfair collection practices.		
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		COMPLAINT AND JURY DEMAND	

1	II.	
2	JURISDICTION AND VENUE	
3	2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 2
4	U.S.C. § 1331, 1337, and supplemental jurisdiction exists for the state law	claim
5	pursuant to 28 U.S.C. § 1367.	
6	3. Venue lies properly in this district pursuant to 28 U.S.C. § 1391	(b).
7	III.	
8	<u>Parties</u>	
9	4. Plaintiff Doug Eckstein is an adult individual residing in Pitts	sburg
10	California 94565.	
11	5. Defendant Credit Control Services, Inc. d/b/a Credit Colle	ection
12	Services (hereafter "CCS") is a business entity with its principal office local	ted a
13	2 Wells Avenue, Newton, MA 02459. The principal purpose of Defendant is the	
14	collection of debts already in default using the mails and telephone	, and
15	Defendant regularly attempts to collect said debts.	
16	IV.	
17	FACTUAL ALLEGATIONS	
18	6. At all pertinent times hereto, Defendant was hired to collect a	ı deb
19	and attempted to collect said debt from Plaintiff (hereafter the "debt").	
20	7. The alleged debt at issue arose out of a transaction which	was
21	primarily for personal, family or household purposes.	
22	8. At all pertinent times hereto, Plaintiff did not owe the alleged d	ebt to
23	the Defendant.	
24	9. At all times pertinent hereto, Defendant made use of an auto	matio
25	telephone dialing system to contact Plaintiff on his cellular telephone on mu	ıltiple
26	occasions.	
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- 10. Throughout the month of April 2017 through the present, Defendant's representatives placed repeated harassing debt collection calls to Plaintiff's cellular telephone, from numbers including, but not limited to (866) 303-6832, (877) 505-4630, (877) 281-7695, (866) 232-7419, and (866) 237-0925.
- 11. Notwithstanding the above, on or about April 13, 2017, Plaintiff advised Defendant's representatives that the debt did not belong to him. Plaintiff attempted to request that Defendant's representatives refrain from contacting him on his cellular phone but Defendant's representatives disconnected the calls before Plaintiff could do so.
- 12. Notwithstanding the above, Defendant contacted Plaintiff on Plaintiff's cellular phone multiple times on April 11, 2017, April 12, 2017, and April 18, 2017.
- 13. Defendant acted in a false, deceptive, misleading and unfair manner by contacting a non-debtor on more than one occasion.
- 14. Defendant acted in a false, deceptive, misleading and unfair manner by misrepresenting the amount, character or legal status of a debt.
- 15. Defendant acted in a false, deceptive, misleading and unfair manner by threatening to take action that cannot be legally taken and/or is not intended to be taken.
- 16. Defendant acted in a false, deceptive, misleading and unfair manner by engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- 17. Defendant acted in a false, deceptive, misleading and unfair manner by using unfair or unconscionable means to collect or attempt to collect a debt.
- 18. Defendant knew or should have known that its actions violated the FDCPA, TCPA and the RFDCPA. Additionally, Defendant could have taken the steps necessary to bring its agents' actions within compliance of these statutes, but

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neglected to do so and failed to adequately review those actions to insure compliance with said laws.

- At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting within the scope and course of their employment, and under the direct supervision and control of the Defendant herein.
- At all times pertinent hereto, the conduct of Defendant as well as its 20. agents, servants and/or employees, was intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.
- As a result of Defendant's conduct, Plaintiff has sustained actual 21. damages, including, but not limited to injury to Plaintiff's reputation, invasion of privacy, damage to Plaintiff's credit, out-of-pocket expenses, emotional and mental pain and anguish, embarrassment, humiliation, damage to reputation and pecuniary loss and will continue to suffer same for an indefinite time in the future, all to her great detriment and loss.

V.

COUNT 1 – VIOLATIONS OF THE FDCPA

- 22. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.
- 23. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6) of the FDCPA..
- Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3) of the 24. FDCPA.
- 25. above contacts between Defendant and Plaintiff were The "communications" relating to a "debt" as defined by 15 U.S.C. § 1692a(2) and 1692a(5) of the FDCPA.

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were set forth at length herein.

- 30. At all times relevant hereto, Defendant used, controlled and/or operated an "automatic telephone dialing system" as defined by § 227(a)(1) of the TCPA.
- 31. Defendant initiated multiple calls to Plaintiff's cellular telephone using an automatic telephone dialing system to make the calls without the express consent of Plaintiff in violation of 47 U.S.C. §§ 227(b)(1)(A)(iii) of the TCPA.
- 32. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification, or legal excuse.
- 33. As a result of the above violations of the TCPA, Defendant is liable to Plaintiff in the sum of Plaintiff's statutory, actual, and treble damages.

VII.

COUNT II – VIOLATIONS OF THE RFDCPA

- 34. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.
- 35. CCS is a "debt collector" as defined by Cal. Civ. Code § 1788.2(c) of the RFDCPA.
- 36. Plaintiff is a "debtor" and a "person" as defined by Cal. Civ. Code §§ 1788.2(h) and 1788.2(g) of the RFDCPA, respectively.
- 37. The above referenced CCS account is a "consumer debt" resulting from "consumer credit transactions" as defined by Cal. Civ. Code §§ 1788.2(h) and 1788.2(g) of the RFDCPA, respectively.
- 38. CCS violated Cal. Civ. Code § 1788.17 of the RFDCPA by violating the FDCPA, including but not limited to 15 U.S.C. §§1692b, 1692c(b), 1692d, 1693e(5), 1692e(10), and 1692f.

1	39. CCS' acts as described above were done with intentional, willful,		
2	reckless, wanton and negligent disregard for Plaintiff's rights under the law and		
3	with the purpose of coercing Plaintiff to pay monies relating to the inaccurate		
4	information.		
5	40. As a result of the above violations of the RFDCPA, CCS is liable to		
6	Plaintiff in the sum of Plaintiff's statutory damages, actual damages and attorney's		
7	fees and costs.		
8	VIII.		
9	JURY TRIAL DEMAND		
10	41. Plaintiff demands trial by jury on all issues so triable.		
11	IX.		
12	PRAYER FOR RELIEF		
13	WHEREFORE, Plaintiff respectfully prays that relief be granted as		
14	follows:		
15	(a) Actual damages;		
16	(b) Statutory damages;		
17	(c) Treble damages;		
18	(d) Punitive damages;		
19	(e) Costs and reasonable attorney's fees; and		
20	(f) Such other and further relief as may be just and proper.		
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Dated: May 18, 2017 Respectfully submitted, Stephanie R. Tat Tatar Law Firm, A.P.C. 3500 West Olive Avenue Suite 300 Burbank, CA 91505 Telephone: (323) 744-1146 Facsimile: (888) 778-5695